



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JRE

Docket No: 250-98

8 December 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 December 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 22 February 1989. You underwent a pre-separation physical examination on 25 February 1992, and were found physically qualified for separation. You completed a Standard Form 93, Report of Medical History, on that date in which you stated you were in good health, and denied having a history of depression, excessive worry, or nervous trouble of any sort. You were discharged by reason of misconduct on 23 March 1992, based on three instances of nonjudicial punishment for multiple offenses.

The Board noted that a discharge by reason of misconduct takes precedence over and precludes disability retirement. The fact that you now suffer from a major mental disorder, which may have begun prior to your enlistment in the Navy and possibly adversely affected your behavior while in the Navy, was considered insufficient to demonstrate that your discharge by reason of misconduct was improper. In addition, you have not demonstrated that you were unfit to perform the duties of your rate by reason of physical disability at that time, which is a prerequisite to the disability separation or retirement of a service member. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director